

JEFFERSON COUNTY COMMISSIONERS  
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
February 14, 2006**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Mike Hoffman, Assistant Planner; Mike Ruppert, Boyd Andrew CDC; Tom Harrington, JLDC; Tara Mastel, JLDC; Ben Sautter, Road Supervisor; Tish Fortier, Public Health Nurse; Marga Lincoln, *Helena Independent Record*; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Connie Humes and Glen Robbins, Trimac Group-Helena; Celia Wolny, Leslie Thomas

**REPORTS**

Receipt of January Clerk and Recorder fees report.

Receipt of January Cash Report from Treasurer.

**CALENDAR REVIEW**

2/15-2/16    MACo Conference - Great Falls  
2/17        MDC update on building projects - 11:00  
2/18        Meet with Senator Burns in Whitehall - 1:30  
2/20        Holiday - County offices closed

**COMMISSION REPORTS**

**JPIA**

Commissioner Lythgoe reported that the Commission met with Greg Jackson with JPIA. Greg explained the County's coverage for liability and worker's comp. They discussed the problem with the AYA buildings. Greg stated that he will go back and double check the figures, but it doesn't appear to him that the figure will change much. Commissioner Weber stated that part of the problem is that Butte recently built a Y with the same square footage, and they are basing the figures on that.

**ELECTED OFFICIAL/DEPARTMENT HEAD MEETING**

Commissioner Lythgoe reported that a department head meeting was held on Thursday to discuss an insurance plan presented by Gary Habutzel. He stated that it looks pretty good and compares to what we currently have. An issue someone needs to look at is what is required in

the union contracts. Commissioner Weber stated that chiropractic coverage needs to be looked into. It needs to be changed to mirror the current coverage.

#### HOLMES GULCH/TUCKER GULCH

Commissioner Lythgoe reported that the Commissioners and Ben rode up to view Holmes Gulch and Tucker Gulch roads. The road on the Lewis and Clark County side is a mess, with the right-of-way through houses, yards, barns, etc. They instructed Ben to contact Mr. Schmaus to see what exactly it is that he wants to do up there.

#### JLDC

Commissioner Lythgoe reported that at the JLDC meeting, Tom Harrington gave an update on Montana Tunnels and Golden Sunlight. They also discussed the meth treatment facility.

#### ELKHORN WORKING GROUP

Commissioner Lythgoe stated that at the Elkhorn Working Group meeting, they tried to put him on the spot regarding his position regarding roads. The big issue that they discussed was the new hunting license. Commissioner Notbohm stated that they are contemplating getting rid of early and late hunts. Commissioner Lythgoe said that he is not sure how much opposition this is getting from the hunting community.

#### TSEP MEETING

Commissioner Weber reported that he and Ben attended a TSEP meeting in Billings, and all he can say is thank God for engineers. It was a good meeting, and they seemed to appreciate Commission and Road Supervisor involvement. He feels that Jefferson County has a good chance with our projects.

#### NORTH-END INFRASTRUCTURE STUDY

Commissioner Lythgoe reported that the Commissioners met Ben that morning regarding the north-end infrastructure study. The study area will be expanded to include Jackson Creek Road and its feeders.

#### SUBDIVISION REVIEW

##### FINAL PLAT APPROVAL - BRET LAND MINOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report and recommended that final plat approval be granted. Commissioner Notbohm asked if there are any impacts with this subdivision. Harold stated that there was a conflict of interest because the developer is the road foreman. He was appointed to review the roads within the subdivision, and stated that it is quite a road. Commissioner Weber moved to grant final plat approval for the Bretland Minor subdivision. Commissioner Notbohm seconded. The motion carried.

#### ITEMS FOR COMMISSIONERS ACTION OR REVIEW

## DISCUSS AND DECIDE ON COMMISSION LETTER OF SUPPORT FOR METH TREATMENT FACILITY TO BE LOCATED IN BOULDER

Commissioner Lythgoe stated that the way he would like to handle this is to hear alternately from proponents and opponents, and said that he would like to hear from Mike Ruppert first.

Mike stated that they have gone through all of the process required by the Department of Corrections. He thought that the public meeting went well, and the majority of the people in attendance seemed to be supportive of the project. He stated that there was question at the meeting regarding something in the RFP that seemed to indicate that the Department of Corrections could override the decision of the screening committee. He didn't answer the question well. He asked this specific question at the bidders meeting. He stated that the RFP and a Q&A section is on the internet, and it is very clear that the screening committee has the final say.

Commissioner Lythgoe asked who the letter needs to be addressed to. Mike stated that it should go to the Land Board, the Governor and Bill Slaughter.

Celia Wolny stated that she would like to speak in opposition. Commissioner Lythgoe asked if she is speaking in opposition of the Commission writing the letter. Celia asked if they are speaking for the Commission, the town, or the County. Commissioner Lythgoe stated that his personal perspective is that this will be a letter from the Commission, but that it will indicate that the community is in support of the location. Celia stated that she is appreciative of the last meeting, but she doesn't feel that the Commission was present to answer questions. She would like another meeting, as she still has a lot of questions.

Commissioner Notbohm stated that he is the Commissioner that went to the Land Board. He has already made up his mind that he is in support of this project, or he wouldn't have gone to the Land Board.

Leslie Thomas asked that, as elected officials, don't they represent the community. She gets concerned when she hears a Commissioner say that they've made up their mind. She feels that people would be more supportive if they feel that they have a voice. She also noted that none of the Commissioners actually live in Boulder.

Tom Harrington stated that the mission of the JLDC is basically economic development - jobs, etc. There are not a lot of resources available in Jefferson County, and we need to capitalize on what we have. He has read the letters and attended the meetings. Drug addiction is without class distinction. At a Meth Watch program in Whitehall, a mother of a 17-year-old spoke. When she was asked how to deal with a child that is on meth, she answered that they need to be locked up. These people are not the dealers, they are people with a problem. The asset with Boulder is that it is a caring community. This is a fairly new problem, and there may be an opportunity to expand research and treatment. Meth is a problem throughout the state. With trained professionals here in Jefferson County, it will be a deterrent to meth labs, because the professionals know what to look for. Meth is crowding in from Helena, Butte and Bozeman.

Commissioner Lythgoe stated that this is the fifth opportunity to talk about this. There is not a lot new that they are going to hear for or against. As Commissioner Notbohm, he is personally supportive of a facility here in Boulder. He was very encouraged by the evening meeting, by the number of people in attendance and by the discussion held. The meetings gave everyone a good opportunity to air their grievances. Before the evening meeting, the Commission had received five letters, and the phone was not ringing off of the hook. After the meeting, the Commission received one letter, from one of the original authors of the first five letters. He noted that there has not been more than five people to speak against this facility. People have had ample opportunity to make their feelings known, and it hasn't happened. He can't see the use of having another meeting, not to say that it couldn't happen if Boyd Andrew is successful in their bid. He was extremely impressed with the presentation that Mike gave at the meeting, and with the treatment program.

Commissioner Weber stated that the frustration he has is with being accused of not holding meetings. He noted that Celia worked with his wife at AYA. If someone came up to him and asked him what a LPN does at AYA, he wouldn't have a clue; he would have to have his wife answer the question. The Commission could ask Mike and Tom Harrington to step back and not answer questions, but then the questioners would not get effective answers to their questions. For the Commission to say that they are going to answer questions from the public would be a disservice, as Mike is the expert.

Commissioner Lythgoe stated that he agrees with Commissioner Weber one hundred percent. The Commissioners are not the ones to ask specific questions regarding the facility. However, they are the one to ask if the public has been properly notified about this, and they have been. They can have more meetings, but it will not change the tone of the feedback regarding this facility. The Commissioners are the representatives of the community, and he feels that the community has spoken loudly that they are in support. Five people with a problem is not a majority. Jan has written about this in her papers. If people want to know what is going on in the county, they need to read the local papers.

Celia stated that as far as the treatment center being a good thing for people with addiction, people are aware that she is not against treatment. She still has some questions, however. She started reading a lot when this first came up. In the JLDC December minutes, in regards to the South Campus, it stated that the land was transferred to the County and leased to the JLDC with the option to buy. She asked if the same thing was planned for this land, and what the benefit would be to the County. Also, once the land no longer belongs to the County, what say does the public have over what happens there. Commissioner Lythgoe stated that it is his understanding that the County can't sell the land, but will only be able to lease it. Celia asked why they were able to do this with the other setup. Tom Harrington stated that the JLDC didn't want community blight. They were allowed to get a grant for an upgrade, so there would be no empty buildings sitting on the edge of town.

Celia stated that she spoke with someone the other regarding the rate increases for water and sewer, due to inadequate facilities. The same person asked the Town of Boulder if the facilities were adequate, and they were told that they are. Tom Harrington stated that when they put the

South Campus back in operation, part of the upgrade was to the water and sewer system. Commissioner Lythgoe agreed that he believes that the capacity is there. Commissioner Weber stated that part of the issue is with compliance with DEQ changes. Stormwater is dealt with separately from waste water. Regulatory issues are on-going whether there are more houses, business, etc. Leslie asked who is to pay for, if new businesses come in. Commissioner Lythgoe stated that the capacity is there, although there may be compliance issues that need to be dealt with.

Leslie stated that she believes that Boulder is a compassionate community, but there are already three institutions in Boulder. Most of the people that are in favor of this based on their own livelihood. There is good insurance available, but how many hours do you need to work to qualify for it. People may be counting on this to save them, but it may not be a viable option. The assumption is that the facility will provide them a job, but is on-the-job training available. Commissioner Lythgoe stated that Mike has been very generous with incentives, but the reality is that people in Boulder may not be qualified to work in the facility. Mike has also indicated that they may offer incentives to live in Boulder. Leslie noted that the people who attended the meeting already live in Boulder, and are thinking that the facility will provide them with a job.

Mike stated that five positions will be licensed counselors, with two of the five being licensed professional counselors, and if he can find these people in Boulder, that would be great. As for full-time versus part-time, it will be two to one, but the problem is that they can't always find enough people to fill the part-time positions. Insurance coverage is for full-time positions only. Security will have sixteen positions, a mix of full and part-time. There will be four or five case managers, who will need a bachelors degree. If it is the right type of bachelors, Boyd Andrew will train them to be a licensed counselor. Leslie asked if the security positions will have the same two to one ratio of full-time versus part-time. Mike stated that it is easier if they have a lot of part-time positions, as there is no overtime if they are needed for fill in, but they never get as many part-time positions filled as they want. Regarding incentives, he has thought about purchasing houses in Boulder that would provide housing for employees. Commissioner Lythgoe stated that this is great and very generous, but it shouldn't be a selling point.

Commissioner Notbohm stated that he has lived in Jefferson County for a long time. Boulder now has three programs, but there used to be just one institution with 300 employees. This has been an institutional community for over 100 years. Celia agreed that Boulder is a compassionate community, but she doesn't want to be taken advantage of. She is not comfortable with having no guarantee that this isn't going to grow. She stated that she got more information from the JLDC minutes than she did from the Commission.

Commissioner Weber stated that when this started last May, it was somewhat similar to what he is going through right now. He has an idea for a bio-diesel plant that would be grown in the county. It is a grand vision that may never come to fruition, but he'll work very hard to see that happens. Last May, Boyd Andrew was in a similar situation, but it grew and is coming to fruition. Celia stated that she appreciates what he is saying, but Commissioner Weber's impression of how this started and came along is different from her impression. Commissioner Lythgoe stated that the only thing that could have been done differently is to have had public

meetings from the start, but there would have been nothing to talk about. They had a concept, but you need details to take to the public. He is sorry that she feels that the Commission didn't fulfill the requirements. He stated that this Commission is so conscience of public notice, etc., far above past Commissions.

Celia stated that, on a personal level, she lives across the street from the proposed facility, and feels that someone should have approached her.

Commissioner Lythgoe moved to write a letter of support to the Land Board with a copy going to Mr. Slaughter and the Governor. Commissioner Weber seconded. The motion carried.

#### DISCUSS AND DECIDE ON HEALTH BOARD RECOMMENDATION REGARDING USE OF HEALTH DEPARTMENT VEHICLE

Tish Fortier, Public Health Nurse, stated that the County Health Board has approved the PHN use of the vehicle 24/7. This would entail her use of the vehicle to travel to the clinic in Whitehall, where she lives, to home visits and surveillance of the clinic a couple times a week. Commissioner Lythgoe asked if there was much discussion at the Health Board meeting over this. Tish stated that there wasn't a lot. Commissioner Lythgoe noted that the Health Board has approved the use and to allow Tish to drive the vehicle home. He also noted that the Health Board has their own mill for funding.

Commissioner Lythgoe moved to comply with the Health Board's recommendation regarding the use of the Health Department vehicle. Commissioner Weber seconded. Commissioner Notbohm stated that he has gone through this issue before, and he disagrees. It has been allowed in the past and there has been abuse in the past. The best way to deal with the abuse was to take the temptation away. Commissioner Weber stated that it seems appropriate that someone on-call 24/7 have a way to respond. Commissioner Lythgoe asked Tish if she does many home visits in this end of the county. Tish stated that she doesn't at this time. She also noted that the vaccines in the Whitehall office refrigerator needs to be checked on throughout the weekend. Commissioner Lythgoe stated that he feels that if the Health Board feels this is necessary, they should support it. The motion carried, with Commissioners Lythgoe and Weber voting aye and Commissioner Notbohm voting nay.

#### DISCUSS AND DECIDE ON LIGHTING AT MONTANA CITY INTERSECTION

Commissioner Lythgoe stated that MDT wants Jefferson County to pay a little over \$21,000 for lighting of the Montana City roundabout and also wants us to assist with the maintenance of the lights. The reason they made the request is that MDT has two legs of the intersection and Jefferson County has two legs, so they feel that Jefferson County has a share in the responsibility. They were told when this first started that MDT was going to do all of these things, and now they want us to change light bulbs. If Jefferson County doesn't comply, they will put in the standard lighting, which the area residents have indicated that they don't want. Commissioner Lythgoe stated that he feels the Commission should write a letter pointing out that this will cost much less than a standard intersection, that MDT owns three legs, not two, and that they should pay. Commissioner Weber moved to have Commissioner Lythgoe write a letter to MDT. Commissioner Notbohm seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**